

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ramsey AlQaisi	Team: Squad #15	CCRB Case #: 201505401	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 07/10/2014 7:21 PM	Location of Incident: § 87(2)(b)	Precinct: 62	18 Mo. SOL 1/10/2016	EO SOL 1/10/2016	
Date/Time CV Reported Tue, 06/30/2015 12:35 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Tue, 06/30/2015 12:35 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Oggeri	29115	937209	062 PCT
2. An officer			Unknown

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Ralph Cilento	10840	934648	062 PCT
2. SGT Eric Waldhelm	4523	947589	062 PCT
3. POM Thomas Citera	15181	945590	062 PCT
4. POM Joseph Lavelle	12702	946631	062 PCT
5. POM Aniello Napoli	10513	946699	062 PCT
6. POM Christophe Santiago	05332	948507	062 PCT
7. SGT Christophe Dixon	03117	928206	062 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Oggeri	Abuse: PO Michael Oggeri entered § 87(2)(b) § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B. An officer	Abuse: An officer damaged § 87(2)(b) s property.	§ 87(2)(b)

Case Summary

On July 10, 2014, at approximately 7:21 p.m., § 87(2)(b) and his wife, § 87(2)(b) were remodeling § 87(2)(b) in Brooklyn. § 87(2)(b) and § 87(2)(b) are the landlords of this building. § 87(2)(b) saw a tenant of his in the hallway, identified by the investigation as § 87(2)(b) asked § 87(2)(b) why she had not paid her rent yet. § 87(2)(b) walked away and said she was calling the police. § 87(2)(b) went back inside of the apartment. PO Michael Oggeri, PO Ralph Cilento and additional unidentified officers responded to the building. § 87(2)(b) and § 87(2)(b) alleged that PO Oggeri and PO Cilento opened the front door of the apartment and entered along with the additional unidentified officers (**Allegation A**). § 87(2)(b) and PO Oggeri spoke about what happened. § 87(2)(b) took out his cellphone to call his son. § 87(2)(b) alleged an officer grabbed his cellphone, threw it to the floor which broke it (**Allegation B**). Then, the officers pushed § 87(2)(b) towards the wall and handcuffed him. PO Oggeri, who was the arresting officer, arrested § 87(2)(b) and charged him with § 87(2)(b). § 87(2)(b) was taken out of the apartment and transported to the 62nd Precinct stationhouse for processing.

§ 87(2)(b) filed this complaint with the CCRB almost a year after the incident on June 30, 2015. § 87(2)(b) stated that he waited a year to file the complaint § 87(2)(b)

Mediation, Civil and Criminal Histories

- On July 10, 2015, § 87(2)(b) and § 87(2)(b) were presented with mediation as an alternative to resolve the complaint following their sworn statements. § 87(2)(b) and § 87(2)(b) declined to mediate their complaint § 87(2)(b)
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of July 21, 2015, § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim against the City of New York.

Civilian and Officer CCRB Histories

- § 87(2)(b) and § 87(2)(b) have filed the following CCRB complaints:
 - § 87(2)(b)
- PO Oggeri has been a member of service for ten years and has no substantiated CCRB complaints.

Potential Issues

§ 87(2)(b) and § 87(2)(b) who were identified as potential witnesses to the incident, refused to cooperate with the investigation.

Due to the filing date of this incident, police documents such as Event summaries and Communications CDs were no longer available to the CCRB.

Findings and Recommendations

Explanation of Subject Officer Identification

PO Oggeri was § 87(2)(b)'s arresting officer. Moreover, he acknowledged entering the apartment and being followed by PO Cilento, § 87(2)(g).

§ 87(2)(b) alleged that an officer grabbed his phone and threw it to the ground which broke it (Board Review 01). However, § 87(2)(b) could not describe the officer other than stating that he was a uniformed male officer, standing between 5'10" and 6' tall, who was not African American. Moreover, § 87(2)(b) did not see this allegation happen (Board Review 02). PO Oggeri and PO Cilento denied throwing § 87(2)(b)'s phone or seeing any officer do so (Board Review 03, Board Review 04). None of the other officers interviewed recall witnessing this allegation. § 87(2)(g)

Allegation A – Abuse of Authority: PO Michael Oggeri entered § 87(2)(b), in Brooklyn.

It is undisputed that PO Oggeri along with additional officers entered § 87(2)(b) and § 87(2)(b)'s apartment. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) stated that officers entered the apartment by just opening the front door and walking inside (Board Review 01, Board Review § 87(2)(b) and § 87(2)(b) stated that they did not provide consent to enter the apartment.

PO Oggeri stated that he and PO Cilento spoke to § 87(2)(b) in the hallway in front of the apartment with the door open. Then, § 87(2)(b) walked into the apartment and said, "Come in." PO Oggeri and PO Cilento entered the apartment (Board Review 03).

PO Cilento recalled being inside of the apartment but did not recall how he and PO Oggeri gained entry (Board Review 04).

The other officers interviewed by the CCRB, including the 62nd Precinct's patrol supervisor, Sgt. Eric Waldhelm, and officers assigned to the Anti-Crime Unit, did not recall the incident or stated that they were not present for the incident.

§ 87(2)(b) and § 87(2)(b) who were possible witnesses to the incident, did not cooperate with the investigation and refused to provide a statement.

§ 87(2)(g)

Allegation B – Abuse of Authority: An officer damaged § 87(2)(b) s property.

§ 87(2)(g)

Pod: 15

Investigator:	_____	<u>Ramsey AlQaisi</u>	_____
	Signature	Print	Date

Pod Leader:	_____	_____	_____
	Title/Signature	Print	Date

Attorney:	_____	_____	_____
	Title/Signature	Print	Date